

AMENDMENTS TO THE DRAWINGS:

Applicants submits herewith two (2) sheets of new drawings. The amendments to the drawings are as follows:

Replacement sheets for FIGS. 6 and 7 are attached as an appendix to this paper. Circular openings 30 are shown on each flange 122, 124, 126, 128. No new matter has been added.

REMARKS

Applicants have studied the Office Action of October 1, 2009, and take this opportunity to present arguments in support of patentability. Claim 1 has been amended. It is believed that upon objective review of the claims, and particularly analyzing this information at the time the invention was made, that it will be clear that the claims define over any fair teaching attributable to the prior art.

Applicants believe that this application is now in condition for allowance and early notice thereof is respectfully requested.

Drawing Objections

The drawings were objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The Examiner stated that the circular openings on the first, second, third and fourth flanges (claim 1) must be shown or the feature(s) canceled from the claim(s). Two replacement sheets, FIGS. 6 and 7 are attached as an appendix to this paper. Each of the Figures has been amended to show circular openings 130 on flanges 124, 126, 128. Referring to paragraph [0025] of the specification, sheet 120 has flanges 122, 124, 126, 128 which each includes a plurality of openings 130 sized to receive a dimple 116 of lance 110. Thus, no new matter has been added.

35 USC § 103 Rejections

Claims 1, 5, 6, 9 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (U.S. Patent No. 3,168,365) in view of Snone (U.S. Patent No. 6,152,552), Gutner (U.S. Patent No. 4,189,796), Young (U.S. Patent No. 3,677,202) and Vargo (U.S. Patent No. 4,553,725).

The Examiner acknowledged that Evans fails to teach an aligned first and second support members, respectively, punched out of an extending from the first and second side walls of the cabinet; support members with straight first and second legs, or hemispherical dimples received in openings in the shelf flanges; wherein the dimples each have rounded edges; wherein the second legs each include first and second linear portions and a rounded portion extending between said first and second linear portions;

and wherein said openings are each circular and extend completely through the flanges, and capable of receiving the rounded edges of a respective dimple.

Evans was deemed to teach a cabinet upon which the claimed side wall support members can be seen as an improvement. Snone was deemed to teach a comparable cabinet that was improved in the same way as claimed; i.e., having support members punched out of both side and rear walls to support a shelf. The Examiner concluded that it would have been obvious to one of ordinary skill in the art to apply the known improvement of Snone to Evans. The Examiner further concluded that it would have been obvious to one of ordinary skill in the art to substitute the known flange and dimpled L-shaped support member of Gutner for the flange and curved L-shaped support member of Evans. The Examiner also asserted that it would have been obvious to one of ordinary skill in the art to substitute the known dimple and opening of Vargo for each of the dimples and openings of Evans as modified by Snone and Gutner. The Examiner also stated that it would have been obvious to one of ordinary skill in the art to provide the support members of Evans as modified by Snone, Gutner and Vargo with rounded upper edges, as taught by Young.

Claim 1 has been amended to call for a door hingedly connected to one of the first and second side walls and the base wall. None of the prior art of record, alone or in combination, teaches a door hingedly connected to a side or base wall. A door 10, 60 is shown in FIGS. 1 and 5 of the present specification.

Claim 1 also has been amended to recite at least two circular openings for completely receiving therethrough the dimples of the support members. As previously discussed, this is discussed in paragraph [0025] of the specification and is shown in FIGS. 6 and 7. Thus, claim 1 as amended, and claims 5, 6, 9 and 14 dependent thereon, are in condition for allowance.

CONCLUSION

Applicants respectfully submit that the present Amendment removes issue for appeal, or in some other way, requires only a cursory review by the Examiner. The claims as amended do not raise any issues with regard to new matter, do not present new issues requiring further search or consideration and/or place the application into better form for appeal. Accordingly, the amendment should be entered and the application forwarded for issuance.

For the reasons detailed above, it is respectfully submitted that all claims remaining in the application are now in condition for allowance.

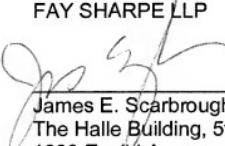
No additional fee is believed to be required for this Amendment. If, however, a fee is due, the Commissioner is authorized to charge our Deposit Account No. 06-0308.

In the event the Examiner believes a telephone call would expedite prosecution, he is invited to call the undersigned.

Respectfully submitted,

FAY SHARPE LLP

Date: 1/4/10


James E. Scarbrough, Reg. No. 47,056
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, Ohio 44115-1843
216.363.9000

Certificate of Electronic Transmission

I hereby certify that this Amendment After Final and accompanying documents are being filed on the date indicated below by electronic transmission with the United States Patent and Trademark Office via the electronic filing system (EFS-Web).

January 4, 2010

Date


By: Kara L. Krist

APPENDIX